

1 Adopt 2 Cal. Code Regs. Section 18702.5 as follows:

2 **18702.5. Public Identification of a Conflict of Interest for Section 87200 Filers.**

3 (a) Government Code section 87105 and this regulation apply when a public
4 official who holds an office specified in Government Code section 87200 has a financial
5 interest in a decision within the meaning of Government Code section 87100.

6 [DECISION POINT 1] (b) (1) **Type of Meetings:** - The public identification
7 required by Government Code section 87105 and this regulation shall apply only to
8 meetings which are subject to the provisions of the Bagley/Keene Act (Government Code
9 section 11120 et seq.) or the Brown Act (Government Code section 54950 et seq.)]

10 (2) Notwithstanding subdivision (b)(1), the public identification required by
11 Government Code section 87105 and this regulation shall apply only where the official is
12 participating in [DECISION POINT 2]

13 [OPTION A: a meeting of a board, commission in his or her capacity as an 87200
14 filer and that board or commission is expressly designated in section 87200.]

15 [OPTION B: a meeting of a board, commission in his or her capacity as an 87200
16 filer and that board or commission is expressly designated in section 87200 or is
17 participating in a meeting in an ex officio manner by virtue of his or her 87200 position.]

18 [OPTION C: any public meeting.]

19 (c)(1) **Content & Timing of Identification:** The public official shall, following
20 the announcement of the item for discussion, vote, or any other disposition of the item
21 but before either discussion or vote commences on the item, publicly identify:

1 (A) Each type of economic interest held by the public official which is
2 involved in the decision (i.e. investment, business position, interest in real property,
3 personal financial effect, or the receipt or promise of income or gifts), and

4 (B) Unless a recognized privilege consistent with Title 2, California Code
5 of Regulations section 18740 applies or the matter pertains to an item in closed session,
6 the following details identifying the economic interest(s):

7 (i) if an investment, the name of the business entity in which each
8 investment is held;

9 (ii) if a business position, a general description of the business activity
10 in which the business entity is engaged as well as the name of the business entity;

11 (iii) if real property, the address or another indication of the location of
12 the property, unless the property is a residence, then identification that the property is a
13 residence;

14 (iv) if income or gifts, then identification of the person that is the
15 source; and

16 (v) if personal financial effect, then the identification of the expense,
17 liability, asset or income affected.

18 (2) **Form of Identification:** If the governmental decision is made during an
19 open session of a public meeting, the public identification shall be made orally
20 [DECISION POINT 3 - OPTION A:][or in writing] and shall be made part of the official
21 public record as part of the minutes of the meeting.

22 (3) **Recusal/Leaving the Room:** The public official must recuse himself or
23 herself by [DECISION POINT 4] leaving the room after the identification required by

1 subdivision (b)(1) is made. His or her presence shall not be counted toward achieving a
2 quorum.

3 (4) **Special Rules for Closed Session:** If the governmental decision is made
4 during a closed session of a public meeting, the public identification shall be made orally
5 [DECISION POINT 3 - OPTION A: or in writing] during the open session before the
6 body goes into closed session. The information contained in the public identification
7 shall be made part of the official public record as part of the minutes of the meeting. The
8 public official shall not be present when the decision is considered or knowingly obtain
9 or review a recording or any other non-public information regarding the governmental
10 decision.

11 (d) **Exceptions :**

12 (1) **Consent Calendars:** When the matter in which the public official has a
13 financial interest is on the consent calendar, the public official must comply with (c)(1),
14 recuse himself or herself from discussing or voting on the matter but may vote on the
15 remaining consent calendar items. The public official is not required to leave the room
16 for this item.

17 [DECISION POINT 5] (2) **Absence:** If the public official is absent when the
18 item is considered, or absent from the entire meeting at which the item is considered, then
19 Government Code section 87105 and this regulation impose no public identification
20 duties on the public official for that meeting.]

21 (3) **Speaking as a Member of the Public:** Notwithstanding the above, when
22 regulation 18702.4(b) applies, a public official may speak as a member of the general
23 public if he or she leaves the dais to speak from the same area as the members of the

1 public. He or she may then remain with the members of the public to hear the public
2 discussion of the matter.
3 COMMENT: Nothing in the provisions of this regulation is intended to cause an agency
4 or public official to reveal the confidences of a closed session as contemplated by law.
5 NOTE: Authority cited: Section 83112, Government Code.
6 Reference: Section 87105, Government Code.